

BROOKINGS COUNTY COMMISSION MEETING

TUESDAY, JUNE 21, 2016

The Brookings County Board of County Commissioners met in regular session on Tuesday, June 21, 2016 with the following members present: Ryan Krogman, Larry Jensen, Stephne Miller, Lee Ann Pierce, and Tom Yseth.

CALL TO ORDER

Chairperson Krogman called the meeting to order.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

The agenda for the June 21, 2016 Commission Meeting was approved without objection.

CONSENT AGENDA

Motion by Pierce, seconded by Jensen to approve the consent agenda. Motion carried. The consent agenda consisted of the minutes from the June 9, 2016 Commission Meeting.

Travel Requests: Susan Taylor to attend Motor Vehicle Training on June 23rd in Sioux Falls.

Personnel Action Notices: routine step increase- Kevin Murfield to \$17.33, effective March 1, 2016; voluntary resignation- Amanda Devries, effective May 12, 2016; new hire- Part-time Temporary/Seasonal ATV Driver Brock Swartos at \$14.70, effective May 31, 2016; routine step increase- Mike Giegling to \$25.22, effective June 1, 2016.

Human Services Report: case #16-023A for Avera McKennan was approved; case #16-108 for rent was approved; case #16-109 for City of Aurora was approved; case #16-110 for Brookings Municipal Utilities was approved; case #16-111 for rent was approved.

ROUTINE BUSINESS

Approval of Claims

Motion by Yseth, seconded by Miller to approve the following claims. Motion carried.

A&B Business Inc, Comm/HR Copier Contract Fees, \$339.01, Finance Copier Maintenance, \$122.70, Comm Dev Maintenance Contract, \$55.44, ROD Copier Contract, \$54.84, Equalization Copier Contract, \$87.57, Hwy Copier Contract, \$51.33; AgFirst Farmers Coop, Gift Cards for March Meeting, \$75.00; Ahartz, Kenneth, 2016 Primary Election Worker, \$86.50; Anderegg, Sharon, 2016 Primary Election Worker, \$169.00; Anderson Oil, Diesel for White Shop, \$957.65; Anderson, Ruth, 2016 Primary Election Worker, \$199.00; Angle, Lois, 2016 Primary Election Worker, \$163.50;

Antonen, Joan, 2016 Primary Election Worker, \$221.55; Aragon, Martha A, CAA Translation Services, \$50.00, Translation Services 1hr, \$50.00; Audus, Jodi, 2016 Primary Election Worker, \$174.50; Aurora City, COP Utilities, \$469.93; Avera Mckennan Hospital, Mental Health Hold, \$635.84; Avera Medical Group, Inmate Medical, \$689.00; Avera Medical Group - Rad, Inmate Medical, \$52.50; Avera Medical Group Radiology, Inmate Medical, \$883.94; Banner Associates, Engineering Services, \$10,592.50; Bartley, Bobbe, 2016 Primary Election Worker, \$204.75; Bell, Robert, 2016 Primary Election Worker, \$169.00; Bjorklund-Algood, Karen K, 2016 Primary Election Worker, \$163.50; Bobcat of Brookings, Bucket for Skid Steer, \$1,392.35; Bommersbach, Marilyn, 2016 Primary Election Worker, \$166.25; Bommersbach, Roger, 2016 Primary Election Worker, \$166.25; Misty Bothe, COP Rent, \$600.00; Bowes Construction, Asphalt Pickup, Overlay, \$1,115,036.17; Boyer Trucks, Sensor & Sensor Kit, \$61.25; Bozied Oil Co Inc, Tow Jeep Patriot, \$473.00; Brookings City Utilities, Phone Service, Alarm Loop Chrg, \$443.24, Monthly Phone Service, \$297.28, Phone Service, \$57.94, Water for Truck Shed, \$126.64, COP Utilities, \$184.77, Commercial Service, \$1,897.30, Phone Service, Alarm, \$1,437.33, Utilities, \$1,895.09, Hwy Utilities, \$860.31; Brookings Engraving, Olson Plaque, \$130.00; Brookings Fire Dept, Fire Assoc Trust Transfer, \$110,012.42; Brookings Health System, Inmate Medical, \$56.75, April Blood Alcohol Testing, \$4,896.00, May Blood Alcohol Testing, \$3,650.00; Brookings Plumbing & Heating, Replace Faucets In Room C&D, \$565.00; Brookings Property Management, COP Rent, \$650.00; Brookings Public Library, 2nd Qtr Payment, \$4,375.00; Brookings Register, Call for Bids, \$13.87, Publishing, \$814.80, Legal Notices, \$112.63; Brookings Rent All, Jumping Jack 5B, \$280.00; Brothers Pharmacy, Inmate Medication, \$5,111.90; Brotsky, Eleda, 2016 Primary Election Worker, \$180.00; Brown and Saenger, SD and USA Flags, \$69.42; Buhls of Brookings Cleaner, Rug Rental, \$35.80, Mops, Rugs, \$58.60; Butler Machinery Co, Tube Assy, Seal O Ring, Parts, \$374.85; C&R Supply Inc, Meter & Valve, \$146.80, Sidekick Injection Pump & Comp, \$5,603.84; Canaday, Dolores, 2016 Primary Election Worker, \$158.00; Cardiac Science Corporation, Defibrillators, \$4,521.08; Carlson, Beverly, 2016 Primary Election Worker, \$180.00; Carquest Auto, Brake Cleaner, \$41.82; Central Business Supply, Copy Paper, \$38.95, Stamps, Envelopes, \$54.63, Batteries, Copy Paper, \$68.17, Office Supplies, \$6.58, Paper, Office Supplies, DVD's, \$376.26; Century Business Products, Copier Contract, \$231.61, Copier Maintenance, \$342.49, Maintenance Contract, \$78.97, Copier Supplies, Maintenance, \$61.71; CF Promo Sports, Jacket With County Logo, \$48.00; Charm-Tex, Inmate Supplies, \$564.60; Christensen, Judy, 2016 Primary Election Worker, \$204.30; City of Brookings Landfill, Culverts, Stumps, \$1,616.93; City of Brookings, Safety Week Lunches, \$380.65, Joint Building Expenses, \$11,389.13; City of White, Utilities, \$53.25; Clague, Carolyn, 2016 Primary Election Worker, \$196.13; Claritus, Standard Tape, \$45.41; Clark, Tanya, 2016 Primary Election Worker, \$169.00; Cody, Denise, Inv MI Hearing, \$15.00; Concrete Contractors Inc, Fill, \$1,218.00; Convergint Technologies, Annual Maintenance on Safe, \$245.94; Cook's Wastepaper & Recycling, June Service, \$234.46, June Service, \$136.58, Commercial Service, \$182.28; Corrisoft LLC, GPS Days, \$615.00; Dakota Data Shred, Monthly Shredding, \$83.08; Dale's Alignment, Repair 0591, \$1,328.02; Davis, Thomas, Zoning Mtg Mileage, \$45.04; Department of Motor Vehicles, EM Pick Up Title, Reg, \$16.20, Hwy PU Title, Registration, \$16.20, Hwy Homemade Title & Reg, \$16.20, Hwy Trailer Title & Registrati, \$16.20; Digital Dolphin Supplies, HP Ink Cartridges, \$178.00; Dockendorf Equipment Inc, Gas Pump Issues, \$411.14; Dorn, Ray, 2016 Primary Election Worker, \$44.00; Earley, Pauline, 2016 Primary Election Worker, \$53.50; Einspahr Auto Plaza, Charger, Ram Oil Changes, \$88.86; Ekern Home Equipment Co, Repair Gas Line, \$468.26; Elenkiwich, Kimberly, Zoning Mtg Mileage, \$28.88; Erickson, Roger, Zoning Mtg Mileage, \$70.00; Even, Anna, 2016 Primary Election Worker, \$222.39; Farmer's Imp & Irrigation, Gearbox Oil, \$22.38; Fastenal Company, Bolts, \$158.84; Fiedler, Mary, 2016 Primary Election Worker, \$53.50; First Bank & Trust, Fuel, NASRO,

Supplies, \$88.67; Fite, Pierce & Ronning Law, CAA, \$1,398.40; Ben Fitzpatrick, Tree Trimming, Removal, Stump, \$1,425.00; Foerster, Marilyn, 2016 Primary Election Worker, \$182.75; Foster, Dianne, 2016 Primary Election Worker, \$200.10; Gass Law, PC, CAA, \$1,087.22, CAA, \$683.21, CAA, \$428.27, CAA, \$1,009.58, CAA, \$373.39, CAA, \$2,548.97; Geotek Engineering Inc, Engineering for Sinai Shop, \$2,000.00; Graham Tire North, Tires for Inventory, \$534.08; Green Briar, COP Rent, \$562.00; Haber, Marlys, 2016 Primary Election Worker, \$174.50; Hauptert, Shiann, Per Diem-Drug Use & Trends Mtg, \$60.00; Havrevold, Cheryl, 2016 Primary Election Worker, \$163.50; Herrboldt, Ellen, 2016 Primary Election Worker, \$170.50; Heylens, Kathy, 2016 Primary Election Worker, \$182.30; Tim Hogan, CAA, \$865.97; Holiday Inn Hotel & Convention, SDAAO Conf Hotel, \$765.00; Hometown Service & Tire, LLC, Tires for Sheriff Vehicles, \$987.44, Jeep Flat Tire Repair, \$18.87; Hopfinger, Dennis, 2016 Primary Election Worker, \$169.00; Hult, Larry, 2016 Primary Election Worker, \$89.75; Hy-Vee Food Store, Inmate Meals, \$12,943.20; David Hynes, Boot Reimbursement, \$100.00; I State Truck Center, Repair 0599, \$1,415.79; Ishol, Dorothy, 2016 Primary Election Worker, \$180.00; Iverson, Natalie, 2016 Primary Election Worker, \$159.50; Jensen, Randy J., Zoning Mtg Mileage, \$55.45; Jerry's Chevrolet, 2016 3/4 Ton Truck - EM, \$29,909.00, 2016 Silverado PU - Weed, \$27,515.00; Johnson Controls, 6/1/16-11/30/16 Service, \$14,976.66; Mary Jones, Return Advance Payment, \$143.92; Josephsen, Delores, 2016 Primary Election Worker, \$67.78; Kampmann, Linda, 2016 Primary Election Worker, \$174.50; Katterhagen, Mark, Inv MI Hearing, \$15.00; Kjellsen, Doris, 2016 Primary Election Worker, \$78.70; Benjamin L. Kleinjan, CAA, \$2,361.00, CAA, \$423.20, CAA, \$2,896.91, CAA, \$631.00; Kleinjan, Darrel, Zoning Mtg Mileage, \$81.36; Knutzen, Sue, 2016 Primary Election Worker, \$210.50; Kranz, Linda, 2016 Primary Election Worker, \$53.50; Kurtz, Lavonne, 2016 Primary Election Worker, \$158.00; L&L Auto & Truck Parts, Charger Supplies, Motorcycle Parts, \$177.46; Patricia Landsman, 2016 Primary Election Worker, \$180.00; Lewis & Clark Behavioral Health, Bmi Intake, \$480.00; Lewno, Lucy, Inv MI Hearing, \$148.96; L. G. Everist, Inc, Interest, \$2.14; Lincoln County Auditor, MI Expense, \$68.11; Linn, Norma, 2016 Primary Election Worker, \$163.50; Lorman Education Services, Audio & Reference Manual, \$80.95; Lowe's, Mailbox, Treated Wood 7B, \$30.25, Switch Plates, Paint, \$210.82; Lyle Signs Inc, Post U Channel, Signs, Supplies, \$4,736.62; Marshall & Swift/Boeckh, LLC, Handbook Renewal, \$1,268.40; Matheson Tri-Gas Inc, Welding Supplies, Oxygen, \$225.14; Donald Mccarty, CAA, \$1,628.40; McKeever's Vending, Inmate Commissary, \$453.96; McKinney, Kathryn, 2016 Primary Election Worker, \$191.00; Mcleod's Printing & Office, Traffic Tickets, \$419.60; Midwest Glass, Windshield 0598, \$258.44, Closer On 24/7 Door, \$190.68, Windshield Repair, \$50.00; Minnehaha County JDC, JDC Costs Inv 4200, \$24,486.00; Mr. V's Professional Body, Remove Decals From Impala, \$205.00; Joanne Murphy, 2016 Primary Election Worker, \$174.50; National Safety Council, Membership Renewal, \$595.00; Nelson, Darrell, Zoning Meeting Mileage, \$69.20; Nancy J Nelson, CAA, \$64.40, CAA, \$743.36, CAA, \$487.60; Neve's Uniforms, Vest with Carriers, \$695.00; Newegg Business Inc, Scanner, \$399.99; Nielsen's, Bearings 2325, \$95.00; North Central Heart Cardiology, Inmate Medical, \$702.75; Northwestern Energy, Natural Gas Usage, \$10.00, Hwy And Truck Shop, \$71.54, Resource Cntr Natural Gas, \$36.59, Truck Shed Natural Gas, \$12.56; Nu-Tech Environmental, Carpet Cleaning, \$95.00; Office Peeps Inc, 2" Binding Combs, \$7.96, 6 Chairs, \$1,104.00; Ohlin Sales Inc, Digital Radio-Batteries, \$305.12; Olson, Gloria, 2016 Primary Election Worker, \$166.25; One Office Solution, Post It Notes, \$79.80; One Source, Background Checks 4/21-5/5, \$27.50; Peterson, Mary, 2016 Primary Election Worker, \$158.00; Pharmchem Inc, Sweat Patch Analysis, \$875.00; Pike, Gloria, 2016 Primary Election Worker, \$165.00; Jon Pike, Per Diem-DARE Training, \$52.00; Qualified Presort Service, Work from 5/16-5/31, \$18.13; R&L Wright Enterprises Inc, COP Rent, \$625.00; RADCO Sioux Falls, Hi-Rise Topper For Em Truck, \$1,388.85; Ramsdell's F&M Ltd, Chemical, \$2,909.70; Razor's Edge Lawncare, Mowing 5/7-8/29, Maintenance, \$1,100.00;

Rental Depot, Trailer Rental for Election, \$106.89; Reppe, Adelpha, 2016 Primary Election Worker, \$151.25; RFD Newspapers Inc, Call for Bids, Sinai Shop, \$64.71, Minutes, Tax Notice, \$1,191.24, Legal Notices, \$158.48; Rick Ribstein, CAA, \$622.45, CAA, \$4,451.40, CAA, \$2,708.63, CAA, \$776.41; Robbins, Jeff, Zoning Meeting Mileage, \$196.88; Rochel, Robert, Zoning Meeting Mileage, \$111.72; Rude's Funeral Home Inc, Transport, \$240.00; Running's Supply Inc, K9 Rope, 6A30 Tote, \$46.88, Hwy Supplies, \$505.30, Lights, Fitting, Valve, \$54.37; Sanford Health, Autopsy, \$2,135.00; Sanitation Products Inc, Cylinder 0598W, \$1,013.79; Schneider Corporation Hfh, Beacon Hosting 7/1-9/30, \$2,565.00; Schuneman Equipment Co, Fittings, Filters, Weed Eater, \$678.32, Parts, \$30.97; SD Attorney General's Office, 24/7, Scram 5/1-5/31, \$4,770.00, 24/7 Participation Fee 5/1-5/31, \$182.00; SD Dept of Transportation, Highway Project Costs, \$744.06; SDACO, ROD Relief Fund May 2016, \$998.00; Shaeffer, John A, CAA, \$1,619.33; Sheehan Mack Sales, Emergency Fan Clutch 0581, \$1,186.30; Sinai City, Utilities, \$64.00; Sinai Legion Hall, 2016 Primary Election, \$35.00; Sioux Falls Rubber Stamp, Notary Stamp Replacement, \$22.83; Sioux Valley Energy, Electric Utilities, \$238.00; Special Days Committee, Elkton Fireworks Display, \$500.00; Spence, Terrell, Zoning Meeting Mileage, \$145.81; Susan Stahl, 2016 Primary Election Worker, \$165.00; Sturdevant's Auto Parts, Shop Supplies, \$279.06; Swiftel Center, April, May, June Facility Fees, \$4,731.00; Thaden, Linda, 2016 Primary Election Worker, \$163.50; Thaden, Ronald, 2016 Primary Election Worker, \$163.50; Thomson Reuters - West, West Info Charges, \$662.00; Tonia Thornton, Transport Fuel, \$22.19; Thvedt, Gloria, 2016 Primary Election Worker, \$188.25; Tillgren, Wilma, 2016 Primary Election Worker, \$15.00; Timmons Construction Inc, 4H Entry Door Repair, \$1,530.60; Tolrud, Deanna, 2016 Primary Election Worker, \$212.44; Torgrude, Margaret, 2016 Primary Election Worker, \$180.00; Town & Country Shopper, Vote Center Ad, \$63.00; Town, Helen M, 2016 Primary Election Worker, \$163.50; Truenorth Steel, Culvert for Bruce City, \$790.67; Uncle Sam Jam, Uncle Sam Jam Sponsorship, \$1,500.00; US Records Midwest, Replacement Binder, Jacket, \$448.72; Steven Ust, Building Inspections, \$700.00; Vandenberg Law, CAA, \$3,018.50; Michael Vandeweerd, Zoning Meeting Mileage, \$10.33; Vaughn, Betty, 2016 Primary Election Worker, \$187.50; Verizon Wireless, Mobile Data, \$280.07; Vincent, Patricia, 2016 Primary Election Worker, \$169.00; Vostad, Jeff, 2016 Primary Election Worker, \$169.00; Walburg, Duane, Animal Control 5/28-6/10, \$40.00, Animal Control 5/14-5/27, \$74.00; Waldner, Josephine, 2016 Primary Election Worker, \$53.50; Walmart Community, Power Cords, Strips, \$94.11; Weiss, Carol, 2016 Primary Election Worker, \$169.00; Westall, Betty, 2016 Primary Election Worker, \$38.50; Westall, Robert, 2016 Primary Election Worker, \$64.54; Wheelco Truck & Trailer, Filters, Brake Parts, \$1,159.74; Terry D Wieczorek PC, CAA, \$742.46, CAA, \$342.81; Wiskur, Nancy, 2016 Primary Election Worker, \$180.00; Witchey, Greg, 2016 Primary Election Worker, \$38.50; Yankton County Sheriff, Service of Process, \$25.00; SD Dept of Revenue, June Remittance, \$534,860.35.

Department Head Reports

County Development Director Robert Hill said the American Red Cross installed 58 smoke alarms in two manufactured home parks.

Hill said he attended a FEMA Floodplain Update meeting. He said a follow-up meeting is scheduled for October, and the Commission will be invited to that meeting.

Hill discussed upcoming dates.

Veterans & Human Services Director Michael Holzhauser said the number of veterans coming into the office has increased. Holzhauser updated the board on the number of phone calls the office has made and received, and the number of in-person meetings.

Holzhauser said the office will be closed Friday afternoon, but will make arrangements with the Commission Department to help cover.

Finance Officer Vicki Buseth said the property in Sinai was auctioned and sold for \$2,500.

Finance Office Report

Finance Officer Vicki Buseth presented the Finance Office report for May 2016.

Be it noted, the Auditor's Account with the Treasurer was presented to the board.

May 2016

Total amount of deposits in bank.....	\$24,234,215.84
Total amount of actual cash: Currency.....	\$7,885.00
Coins.....	\$1.80
Total amount of checks/drafts in Treasurer's possession not exceeding 3 days.....	\$102,323.46
Itemized list of all other items.....	\$10,598.46
TOTAL.....	\$24,355,024.56

Be it noted, the Payroll & Additives for May 2016 was presented to the board.

Commission/HR: \$15,635.06; Technology: \$5,587.60; Elections: \$4,211.46; Finance Office: \$19,174.37; States Attorney: \$24,883.52; Equalization: \$14,557.14; Register of Deeds: \$7,458.76; Veterans/Welfare: \$5,925.27; Sheriff's Office: \$79,049.65; Coroner: \$355.20; Community Health: \$3,269.90; Extension: \$2,748.20; Weed: \$6,004.10; Planning/Zoning: \$5,336.54; Highway: \$44,620.72; Emergency Management: \$3,480.44.

AFLAC: \$2,783.16; Avesis: \$1,281.91; Office of Child Support: \$400.00; Delta Dental: \$4,883.28; Flex One: \$2,023.58; Dearborn Life Insurance: \$1,279.70; Local Teamsters: \$1,107.00; SDRS: \$40,916.25; SDRS Supplemental: \$1,668.00; Wellmark: \$92,210.20; AFLAC Group/CAIC Primary: \$522.88.

Be it noted, the expenditure adjustments for the month of May 2016 were presented to the board. \$6,879.69 was transferred to allocate highway department expenditures to other county departments for work performed and supplies furnished by the highway department.

Be it noted, the Register of Deeds Statement of Fees collected for the month of May 2016 in the amount of \$34,495.50 was presented to the board.

Sheriff Martin Stanwick said the office has been busy, specifically with a home invasion case. He said one suspect is still at-large.

Stanwick said he met with SDSU about the concert coming up in September. He said his department will be helping with that.

Stanwick said he will be scheduling a staff meeting in Volga, so the city councilors and the public can meet his staff.

Highway Superintendent Richard Birk said he's been working with 1st District on the grant for 468th Avenue.

Birk said they've delivered the temporary easements for the bridge south of White.

REGULAR BUSINESS

Motion by Miller, seconded by Jensen to approve and authorize Chairperson Krogman to sign Resolution #16-18: a resolution authorizing the purchase of pea rock based upon the price established through the County of Moody, South Dakota bid process. Background information was provided by Highway Superintendent Richard Birk.

Roll call vote: Yseth "aye," Miller "aye," Jensen "aye," Pierce "aye," Krogman "aye."
Motion carried.

RESOLUTION #16-18

A RESOLUTION AUTHORIZING THE PURCHASE OF PEA ROCK UPON THE PRICE ESTABLISHED THROUGH THE COUNTY OF MOODY, SOUTH DAKOTA, BID PROCESS

WHEREAS, the Brookings County Highway Department will need pea rock in 2016; and

WHEREAS, the COUNTY OF MOODY, has recently gone through a competitive bidding process for pea rock, such bidding process culminating in the bids being opened on March 1, 2016;

WHEREAS, JOHNSON BROS. EXCAVATION, INC, was the lowest responsible bidder under such COUNTY OF MOODY, SOUTH DAKOTA, bid process and JOHNSON BROS. EXCAVATION, INC. is willing to sell pea rock to BROOKINGS COUNTY under the same terms and options as available to the COUNTY OF MOODY, a copy of such bid specifications and bid having been filed at the Brookings County Finance Office; and

WHEREAS, pursuant to SDCL 5-18A-22, BROOKINGS COUNTY is authorized to purchase materials from any active contract that has been awarded by any governmental entity by competitive sealed bids or competitive sealed proposals or from any contract that was competitively solicited and awarded within the previous twelve months.

NOW THEREFORE BE IT RESOLVED that the Brookings County Highway Department is hereby authorized and directed to purchase on an as needed basis pea rock from JOHNSON BROS. EXCAVATION, INC. based upon the bid prices, or less, as established through the competitive bidding process of the COUNTY OF MOODY, SOUTH DAKOTA, a copy of which County of Moody bid specifications and prices being available in the Brookings County Finance Office.

Adopted this 21st day of June, 2016.

Ryan Krogman
Chairperson, Brookings County
Board of County Commissioners

ATTEST:

Vicki Buseth
Brookings County Finance Officer

Motion by Pierce, seconded by Miller to approve and authorize Chairperson Krogman to sign Resolution #16-19: a resolution authorizing the sale of surplus property by public auction.

Roll call vote: Miller "aye," Jensen "aye," Pierce "aye," Yseth "aye," Krogman "aye."
Motion carried.

RESOLUTION #16-19

RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY BY PUBLIC AUCTION

BE IT RESOLVED by the Board of County Commissioners of Brookings County, South Dakota, as follows:

WHEREAS, Brookings County desires to sell the following described real property that has been previously declared surplus property:

Lot Nine (9) in Block Two (2) of Pleasant Heights Second Addition to the Town of Sinai, Brookings County, South Dakota;

WHEREAS, the above-described real property was offered for sale at public auction on June 15, 2016. The highest bid was made by Patric B. Honer for the total purchase price of \$2,500.00 Dollars.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Brookings County, South Dakota, as follows:

That Brookings County sells, transfers and conveys the above-described real property to Patric B. Honer for \$2,500.00.

Passed and approved on the 21st day of June, 2016.

ATTEST:

BROOKINGS COUNTY

Vicki Buseth
Brookings County Finance Officer

Ryan Krogman, Chairperson
Board of County Commissioners

Motion by Yseth, seconded by Miller to approve for recording purposes and to authorize Chairperson Krogman to sign Resolution #16-20: a plat of Lots 1 & 2 of Kodiak Addition in the SE ¼ of Section 3, T109N, R48W of the 5th P.M., Brookings County, South Dakota. Background information was provided by Highway Superintendent Richard Birk.

Roll call vote: Jensen "aye," Pierce "aye," Yseth "aye," Miller "aye," Krogman "aye."
Motion carried.

Motion by Miller, seconded by Jensen to approve authorizing Feucht Construction of Brookings to build the Brookings County Highway Department maintenance equipment storage building in Sinai, South Dakota based upon the price established through the Brookings County bid process. Background information was provided by Highway Superintendent Richard Birk.

Roll call vote: Pierce "aye," Yseth "aye," Miller "aye," Jensen "aye," Krogman "aye."
Motion carried.

Chief Deputy States Attorney Abigail Howard presented the Chief Deputy States Attorney's Report. Howard said the office has been very busy. She also said the first Drug Court date is July 7th at 9:30 a.m., and that will be open to the public.

COMMISSIONERS' REPORTS & DISCUSSION

Commissioner Pierce talked with the Lake Campbell Improvement Association Board of Directors regarding the Lake Sub-Committee on the zoning ordinance changes. Pierce attended budget hearings and the auction in Sinai.

Commissioner Jensen attended budget hearings.

Commissioner Miller attended budget hearings.

Commissioner Yseth attended budget hearings, and attended and discussed the Growth Partnership Meeting. Yseth said General Mills will be having a ribbon cutting.

Commissioner Krogman attended the Affordable Task Force Meeting; attended and discussed the BEDC Meeting; attended budget hearings; and discussed the Property Task Force Meeting.

Commissioner Pierce asked the Commission Department to add townships to the list when emailing the agendas out.

SCHEDULED AGENDA ITEM

As scheduled at 9:00 a.m., the board held the second reading and public hearing of Ordinance #2016-01: an Ordinance Licensing and Regulating Peddlers Operating Outside the Boundaries of Incorporated Municipalities within Brookings County and within the Incorporated Municipalities of Sinai, Bruce, Bushnell and Elkton.

Chairperson Krogman opened the public hearing and called for proponents and opponents. Hearing none, Chairperson Krogman closed the public hearing.

Motion by Yseth, seconded by Pierce to approve and authorize Chairperson Krogman to sign Ordinance #2016-01: an Ordinance Licensing and Regulating Peddlers Operating Outside the Boundaries of Incorporated Municipalities within Brookings County and within the Incorporated Municipalities of Sinai, Bruce, Bushnell and Elkton. Background information was provided by Sheriff Martin Stanwick and Chief Deputy States Attorney Abigail Howard.

Roll call vote: Yseth "aye," Miller "aye," Jensen "aye," Pierce "aye," Krogman "aye."
Motion carried.

BROOKINGS COUNTY ORDINANCE 2016-01

AN ORDINANCE LICENSING AND REGULATING PEDDLERS OPERATING OUTSIDE THE BOUNDARIES OF INCORPORATED MUNICIPALITIES WITHIN BROOKINGS COUNTY AND WITHIN THE INCORPORATED MUNICIPALITIES OF SINAI, BRUCE, BUSHNELL AND ELKTON.

BE IT ORDAINED BY BROOKINGS COUNTY, SOUTH DAKOTA:

WHEREAS, SDCL 9-34-18 provides for the local regulation of peddling and soliciting by a county or municipality;

WHEREAS, the citizens of the incorporated municipalities of Sinai, Bruce, Bushnell, and Elkton do not have such a regulation and have requested that Brookings County Ordinance 2016-01 apply to said municipalities within Brookings County; and

WHEREAS, the Brookings County Commission finds it is appropriate and in the best interests of the citizens of Brookings County to regulate the temporary business of peddlers operating outside the boundaries of incorporated municipalities within Brookings County and within the incorporated municipalities of Sinai, Bruce, Bushnell and Elkton.

NOW, THEREFORE, BE IT ORDAINED BY BROOKINGS COUNTY:

SECTION I. DEFINITIONS.

For the purposes of this Ordinance, the term Peddler includes the following:

“Peddler” includes any person traveling by foot, vehicle, or any other type of conveyance, from place to place, carrying or transporting goods, wares and merchandise; offering and exposing the goods, wares and merchandise for sale or making sales and delivering articles purchased; or who, without traveling from place to place, shall sell or offer the goods, wares or merchandise for sale from his or her person or from any vehicle or conveyance.

SECTION II. EXCEPTIONS.

The provisions of this Ordinance shall not apply to the following:

- A. Charitable, religious, or nonprofit organizations or corporations which have a tax exempt status under IRC paragraph 501(c)(3), 26 USCA.
- B. Civic, educational, or veteran’s organizations.
- C. Traveling salespersons doing business exclusively with retail merchants, manufacturers, jobbers or public officials.
- D. Persons selling or delivering personal property to regular customers on established routes.
- E. Persons selling jams, jellies, vegetables, fruits, or flowers grown or produced by them and not purchased by them for resale.
- F. Garage, rummage, yard, or moving sales, or auctions, that are held in compliance with any municipal or county zoning ordinance relating to the same.
- G. Persons soliciting newspaper subscriptions, or magazine, book, or periodical subscriptions sponsored by any nonprofit organization.
- H. Persons soliciting orders for any agricultural product produced or processed within the State of South Dakota, stock foods, veterinary medicines and biologicals, or such petroleum products as are subject to state inspection under SDCL Chapter 37-2.

SECTION III. REGULATIONS.

- A. No Peddler shall do business in Brookings County without first obtaining a Peddler’s License, which shall be prominently displayed at the location where the Peddler is conducting business, including carrying the same on his or her person if the solicitations involve traveling on foot.
- B. No Peddler may make false or fraudulent statements concerning the quality or the nature of the goods, wares, merchandise or services for the purpose of inducing another to purchase the same.
- C. No Peddler may engage in the business of peddling between the hours of 9:00 p.m. and 9:00 a.m., except by specific appointment with, or invitation from, a prospective customer.
- D. No holder of a license issued under this Ordinance shall authorize or permit any person or business not identified on the license to utilize a duly issued license.

SECTION IV. PEDDLER’S LICENSE.

- A. A Peddler’s License shall be valid for a period of thirty (30) days from the date of issuance, unless an earlier expiration date is noted on the license.

- B. The applicant for a Peddler's License shall file with the Brookings County Finance Officer, a sworn application in writing, on a form furnished by the Brookings County Finance Office, giving the following information:
- The name of the business;
 - The name of the applicant;
 - The permanent home address of the applicant;
 - A phone number and email address for the applicant;
 - The start and end date of the requested solicitation;
 - Location where the applicant intends to conduct business in Brookings County;
 - If a vehicle is to be used, the make, model and license plate number of vehicle;
 - A brief description of the nature of the business and the goods to be sold;
 - South Dakota Sales Tax ID number;
 - Any felony or misdemeanor convictions within the past five (5) years; and
 - Any judgment or conviction for fraud, deceit, or misrepresentation within the past five (5) years.
- C. The fee for a Peddler's License shall be \$100.00 and shall be paid at the time of application. The County Commission shall have the authority, on request of the applicant made to the Commission at a regular meeting, to waive or reduce any fee hereunder.
- D. Upon payment of the appropriate fee and completion of the application, an applicant shall be issued a Peddler's License.
- E. No Peddler may give any false or misleading information in connection with their application for a license.
- F. No license shall be issued by the Brookings County Finance Office until the applicant has complied with the requirements of this Ordinance.
- G. No license shall be issued to any person who does not have a valid South Dakota sales tax permit.

SECTION V. DENIAL OF LICENSES.

Upon the Brookings County Finance Officer's review of the application, the Finance Officer may refuse to issue a Peddler's License to the applicant under this Ordinance for any of the following reasons:

- (1) The location and time of the activity would endanger the safety and welfare of the Peddler, their customers, or the public;
- (2) An investigation reveals that the applicant falsified information on the application;
- (3) Any individual listed on the application that has been convicted of a felony or misdemeanor violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of application;
- (4) Any individual listed on the application is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;
- (5) There is no proof as to the authority of the applicant to serve as an agent to the principal; or
- (6) The applicant has been denied a license under this Ordinance within the preceding 365 days, unless the applicant can and does show to the satisfaction of the Brookings County Finance Officer that the reasons for such earlier denial no longer exist.

The Brookings County Finance Officer's disapproval and the reasons for disapproval must be noted on the application, and the applicant will be notified the application is disapproved and that no permit will be issued. Notice will be mailed to the applicant at the address shown on the application form.

SECTION VI. PRIVATE PREMISES.

It shall be unlawful for any Peddler to enter upon premises owned, leased or rented by another and refuse to leave such premises after having been notified by the owner or possessor of such premises, or its agent, to leave the premises.

It shall be unlawful for any Peddler to enter upon any private premises when the premises is posted with a sign prohibiting peddling, soliciting, or business of a similar nature which prohibits door to door sales at such premises.

SECTION VII. ENFORCEMENT.

It shall be the duty of any law enforcement officer of the County to require any person seen peddling, soliciting, or canvassing, and who is not known by such officer to be duly licensed, to produce his or her Peddler's License, and to enforce the provisions of this Ordinance against any person found to be violating the same.

SECTION VIII. PENALTIES.

- A. A violation of this Ordinance is a Class 2 Misdemeanor and shall be punishable by a fine of up to \$500.00 and/or thirty (30) days imprisonment in the county jail.
- B. In addition to any criminal enforcement, Brookings County or any individual may pursue any available civil remedies deemed appropriate and necessary.
- C. Any Peddler found to be operating in violation of this Ordinance or without a Peddler's License shall be prohibited from obtaining a Peddler's License for a period of 365 days.

SECTION IX. LICENSE REVOCATION.

Any license issued under this Ordinance may be revoked or suspended, by the Brookings County Finance Officer, after notice and hearing, for any of the following reasons:

- (1) Fraud, misrepresentation or false statement contained in the license application;
- (2) Fraud, misrepresentation or false statement made by the Peddler in the course of conducting solicitation or peddling activities;
- (3) Conducting peddling or solicitation activities contrary to the provisions contained in the license or within this Ordinance; or
- (4) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

SECTION X. NOTICE AND HEARING.

Notice of a hearing for revocation of a license issued under this Ordinance shall be provided in writing and will set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice will be mailed, postage prepaid, to the Peddler at the address shown on the license application or at the last known address of the Peddler.

SECTION XI. APPEALS.

Any person aggrieved by the action or decision of the Brookings County Finance Officer to deny, suspend or revoke a license applied for under the provisions of this Ordinance will have the right to appeal such action or decision to the Brookings County Board of Commissioners within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his or her last known address.

- (1) An appeal will be taken by filing with the County Finance Officer a written statement setting forth the grounds for the appeal;
- (2) The County Finance Officer will transmit the written statement to the Brookings County Board of Commissioners within ten (10) days of its receipt and the County Commission will set a time and place for a hearing on the appeal.
- (3) A hearing will be set not later than twenty (20) days from the date of receipt of the appellant's written statement;
- (4) Notice of the time and place of the hearing will be given to the appellant in the same manner as provided for the mailing notice of action or decision; and
- (5) The decision of the County Commission on the appeal will be final and binding on all parties concerned.

SECTION XII. SEVERABILITY.

This Ordinance and each section and provision hereunder are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said Ordinance, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or

circumstance other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provisions so known to be invalid.

Adopted this 21st day of June, 2016.

BROOKINGS COUNTY:

ATTEST:

Ryan Krogman
Chairperson
Brookings County Commission

Vicki Buseth
Brookings County Finance Officer

First Reading: June 9, 2016

Second Reading: June 21, 2016

Adopted: June 21, 2016

Publications: June 30, 2016

Effective Date: July 20, 2016

Chairperson Krogman declared a recess until 1:00 p.m.

SCHEDULED AGENDA ITEM

As scheduled at 1:00 a.m., the board held budget hearings.

ADJOURNMENT

Motion by Yseth, seconded by Jensen to adjourn. Motion carried. The next regular scheduled meeting is Tuesday, July 12, 2016 at 8:30 a.m.

It is the policy of Brookings County, South Dakota not to discriminate against the Handicapped of Employment or the Provision of Service. The County of Brookings is responsive to requests for communication aids and the need to provide appropriate access, and will provide alternative formats and accessible locations consistent with the Americans with Disabilities Act.

Jenna Peterson
Finance Assistant
Brookings County

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